

Great Brit. - Geo. 4. 26.  
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**A C T**  
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C. 26.

*Dividing and Inclosing the common Fields,  
common Pastures, common Meadows, com-  
mon Grounds, waste Grounds and common-  
able Lands, in the Manor and Parish of  
Wappenham, in the County of Northamp-  
ton, exclusive of the Hamlet of Astwell  
and Faulcut, in the said Parish.*



**WHEREAS** there are several common, open, and arable Preamble.  
Fields, Grounds, and other commonable Lands, within  
the Manor and Parish of *Wappenham*, in the County of  
*Northampton*, (exclusive of the Hamlet of *Astwell* and  
*Faulcut*, in the said Parish) commonly called or known  
by the several Names of *Highbridge Field*, *North Field*,  
the *Old Field* and *Radmore Field*, which consist of fifty-  
two Yard Lands, or thereabouts; and also of several common Pieces and  
Parcels of arable, meadow, pasture, and grass Ground.

**And whereas** there is also within the said Manor and Parish, exclu-  
sive as aforesaid, a certain Tract or Parcel of common or waste Ground, called

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or

or distinguished by the Name of *Wappenham Wild*, and other common or waste Grounds thereto adjoining, called *Priesthay Riding* and *Blackmore Riding*; and the Owners and Proprietors of the said Yard Lands, and also the Owners and Proprietors of certain Cottages within the said Parish, in respect of such their Yard Lands and Cottages, have had and enjoyed, for Time immemorial, a Right of Common for their Cattle, in, over, and upon, the said common Fields, Wild and Ridings; and several of the Owners and Proprietors of Lands and Cottages, in *Slapton*, in the said County of *Northampton*, which Lands, before the late Inclosure thereof, were called and distinguished by the Name or Description of *Yard Lands*, in respect of such their Lands and Cottages, have had and enjoyed, for Time immemorial, a Right of Common for Horses and Cow Kine, in, over, and upon, the said Wild and Ridings only.

*Michael Wod-*  
*bull, Esq;*  
*Lord of the*  
*Manor.*

*Norman Mead*  
*Clerk, Rector.*

And whereas *Michael Wodbull*, Esquire, is Lord of the Manor of *Wappenham* aforesaid, and the Right Reverend Father in God, *John Lord Bishop of Lincoln*, is Patron of the Rectory of *Wappenham* aforesaid, and the Reverend *Norman Mead Clerk*, is Rector Incumbent of the Parish Church of *Wappenham* aforesaid, and in Right of his said Rectory and Church, is seized of Two Yard Land and a Half of Glebe, Part of the common Fields of *Wappenham* aforesaid, and of certain Pieces of Meadow or mowing Ground, called the *Tytbe Acres*, lying in certain Meadows, called the *Upper and Lower Dole Meadows*, and the known Doles in the said Field called the *Highbbridge Field* of *Wappenham* aforesaid, in Lieu of, or as a Modus for the Tythes of the said Meadows and Doles, and is also seized of a Right of Common, called a Cottage Common, in, and over, the said Fields, Wild, and Ridings, and also of all other, the great and small Tythes arising, renewing, increasing, or happening, within the said common and open Fields, common or waste Grounds, and commonable Lands, intended to be inclosed; as also all other the Tythes, and Ecclesiastical Dues, arising and renewing, within the Parish of *Wappenham* aforesaid, exclusive as aforesaid, (except of a Meadow, commonly called *Abbot's Meadow*, the Estate of the Right Honourable *Washington, Earl Ferrers*, lying in the said Field, called the *North Field* of *Wappenham* aforesaid, which Meadow is exempt from the Payment of any Tythes whatsoever).

And whereas the Warden and College of the Souls of all faithful People deceased, of *Oxford*, are seized of One hundred and ninety two Acres, or thereabouts, Parcel of the said common or waste Ground, called *Wappenham Wild*, subject to such Right of Common as aforesaid, and the said *Michael Wodbull*, the said *Washington, Earl Ferrers*, the Right Honourable *Ralph Earl of Verney*, the Reverend *Thomas Cockerill Clerk*, *Mary Welch*, Widow, the Reverend *Thomas Coleman Welch*, Clerk, *Robert Cockerill*, *John Fairbrother*, *John Deely*, *Simon Knight*, *Thomas Adams*, *George Thomas*, in his own Right, and as Lessee of the said Warden and College; the Trustees for the Poor of the Parish of *Culworth*, in the County of *Northampton*, and the Trustees for a certain Estate, called *Braden*



*Braden Charity* Estate, and divers others are seized or possessed, of all the Residue of the said open Fields, common Grounds, waste Grounds, and commonable Lands, lying and being within the Manor and Parish of *Wappenham* aforesaid, exclusive as aforesaid.

And whereas the Lands and Grounds of the said Proprietors, in the said common Fields and Grounds, lie intermixed, and are, for the most Part, inconveniently situated, and in their present Situation are incapable of Improvement, and it would be advantageous to the several Proprietors thereof, if the same were divided and inclosed, but such Division and Inclosure cannot be effected without the Aid of Parliament;

May it therefore please Your **MAJESTY**,

That it may be Enacted, and be it enacted by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Fields of *Wappenham* aforesaid, and the said common or waste Ground, called *Wappenham Wild*, and *Priestbay Riding*, and *Blackmore Riding*, and all the common, arable, ley, and pasture Grounds, waste Grounds, and commonable Lands, comprized within the Manor and Parish of *Wappenham* aforesaid, exclusive as aforesaid, shall, on or before the ten Day of *October*, One Thousand, Seven Hundred, and Sixty-one, or as soon after as the same can conveniently be done, be admeasured, divided, set out, and allotted by *Henry Jephcott*, of *Killingbury*, in the County of *Northampton*, Clerk, *Thomas Grace*, of *Shawell*, in the County of *Leicester*, *Francis Burton*, and *Thomas Bower*, both of *Aynho*, in the said County of *Northampton*, and *Job Baseley*, of *Priors Marston*, in the County of *Warwick*, Gentlemen, Commissioners appointed by this Act, and their Successors to be elected in manner hereinafter mentioned, or any three, or more of them, in the Manner and subject to the Rules, Orders, and Directions, in and by this Act ordered, established, and appointed.

And for the more just and regular Division and Distribution of the Lands and Grounds so to be divided, set out, and allotted as aforesaid; and for the better ascertaining of the same, Be it enacted by the Authority aforesaid, That a true and perfect Survey, as to Quantity and Quality, shall be made of the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be divided and inclosed as aforesaid, sometime before the tenth Day of *September*, One Thousand, Seven Hundred, and Sixty-one, or as soon after as conveniently may be, by such Person or Persons, as the said Commissioners, or any three, or more of them, shall for that Purpose nominate and appoint; and that such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods and Perches, belonging to each Proprietor, at the Time of taking such Survey, shall be therein set forth, ascertained, specified, and described; and the said Survey shall be laid before the said Commissioners, or any three, or more of them, at all and every

every of their Meetings, to be had after such Survey, made in Pursuance of this Act, and if required by them, to be verified on the Oath of the Person or Persons making the same, and their respective Assistants, which Oath the said Commissioners, or any three, or more of them, are hereby impowered to administer.

Commissioners to make Allotments.

And be it further enacted by the Authority aforesaid, that the said Commissioners, or any three, or more of them, shall have full Power and Authority; and they are hereby authorized and required, as soon as conveniently may be, after the said Survey shall have been made, and laid before them as aforesaid, to set out, ascertain, and allot the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be divided and inclosed as aforesaid, to, and amongst the several Persons intitled to, and interested in, the same, in Proportion to their several and respective Shares, and Interests, and Right of Common, and other Properties in, and over, the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, in the Manor and Parish of *Wappenham* aforesaid; (but exclusive as aforesaid) subject, nevertheless, to the Rules, Orders, and Directions in this Act contained.

Commissioners to have due Regard to the Quality, and

to settle Differences, touching Claims of the Parties.

Provided always and it is hereby enacted and declared that the said Commissioners, in making their Allotments, shall have due Regard to the Quality, Situation, and Convenience, as well as Quantity of the Lands and Grounds now belonging to each Proprietor, and of the Lands and Grounds to be allotted in Lieu thereof, in Pursuance of this Act. And if any Disputes or Differences shall arise between the said Parties, interested in the said intended Division and Inclosure, or any of them, touching or concerning their respective Shares, and Proportions, which they, any, or either of them ought to have, in the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be inclosed as aforesaid; it shall and may be lawful to, and for the said Commissioners, or any three, or more of them; and they are hereby authorized and required, upon examining Witnesses upon Oath (which Oath the said Commissioners, or any one, or more of them, are hereby authorized and impowered to administer) and upon other proper and sufficient Enquiry, Evidence, and Satisfaction, to hear and finally determine the same.

Allotment to Trustees for the Poor of *Wappenham*.

And whereas the Poor of the Parish of *Wappenham* aforesaid, exclusive as aforesaid, have, for many Years last past, been indulged in cutting and taking Furze, growing in and upon the said common or waste Ground, hereby intended to be inclosed, called *Wappenham Wild*, upon a Part thereof, called the *Common Furze-bill*; Be it therefore enacted, by the Authority aforesaid, that the said Commissioners, or any three, or more of them, do, and shall, and they are hereby authorized and required to ascertain, set out, and allot, in Lieu of such Indulgence, unto, and to the Use of *Richard Fairbrother*, and *Richard Shortland*, both of *Helmdon*, in the County of *Northampton*,



Northampton, John Watts, and Edward Haycock, both of Sulgrave, in the said County, and John Mobbs, of Weedon Pickney, in the said County, Gentlemen, and their Heirs upon the Trust herein after mentioned, a Part of the said common or waste Ground, called *Wappenham Wild*, on that Part thereof called the *Common Furze-bill*, which shall contain fifteen Acres, and the said Trustees, and their Heirs, shall stand seized of the said Ground so to be allotted to them, upon Trust, to permit and suffer the Minister, Churchwardens, and Overseers of the Poor of the Parish of *Wappenham* aforesaid, (exclusive as aforesaid,) for the Time being, or the major Part of them, to receive and take the Rents, Issues, and Profits, that shall, from Time to Time, arise from the Grass and Herbage growing on the same Allotment, and to dispose of, and distribute the same, together also with the Furze, Thorns, and Bushes, that shall, from Time to Time, grow on the same Allotment, unto, and amongst such of the most necessitous, industrious, and honest Poor of the Parish of *Wappenham* aforesaid, (exclusive as aforesaid,) who shall not receive any weekly Collection, or be provided for in the Poor House of the said Parish, in such Shares and Proportions, and in such Manner, as they shall think fit and proper.

Provided always, and it is hereby enacted and declared, that when, and as often as the said *Richard Fairbrother, Richard Shortland, John Watts, Edward Haycock, and John Mobbs*, Trustees herein before nominated and appointed, or the Trustees to be elected, in Pursuance of this Act, in the Room and Stead of them, or any of them respectively, shall, by Death, be reduced to two in Number; that then, and in such Case, from Time to Time, as it shall so happen, it shall, and may be lawful to, and for the surviving Trustees, to elect and choose other Persons residing in the County of *Northampton*, not being Inhabitants of the Parish of *Wappenham* aforesaid, to be Trustees for, and concerning the Premises, in the Room and Stead of the Persons so dying; and that, immediately after such Election, the surviving Trustees shall, by proper Assurances in the Law, convey, and make over, the said Ground so to be allotted as aforesaid, unto one or more Person or Persons, so to be elected as aforesaid, to the Use of themselves, and such other Person or Persons, as shall be elected, and their Heirs, who shall stand seized of the same, to and for such and the same Ends, Intents, and Purposes, and subject to such and the same Trusts, Powers, and Proviso, as are herein before declared and provided, of and concerning the said Ground so to be allotted as aforesaid.

And it is hereby further enacted, that the said Commissioners, or any three, or more of them, shall, and may, and they are hereby authorized and required to assign, lay out, allot, and appoint, unto, and for the said *Norman Mead*, and his Successors, Rectors as aforesaid, such Parcel or Quantity of Land or Ground, being Part of the common Fields and Grounds, so intended to be inclosed, as in the Judgment of the Commissioners, making such Allotment, shall be a full Satisfaction and Compensation, Quantity and Quality considered, for his said two-yard Land and a Half of Glebe, and Common Right thereto belonging, and for his said Pieces, called the Tythe-  
C  
Acres,

Acres, and Cottage-Common, and also that the said Commissioners, or any three, or more of them, do, and shall assign, lay out, allot, and appoint, unto, and for the said *Norman Mead*, and his Successors, Rectors of the Parish Church of *Wappenham* afore said (over and above, and exclusive of the Lands and Grounds so to be allotted to him and them, in Lieu of, and as a Compensation for, the Glebe of the said Rectory, Tythe Acres, and Cottage-Common as afore said) as, and for a Satisfaction, and Compensation of, and for all the great and small Tythes, of all the said Fields and Grounds so intended to be inclosed, one or more Plot or Plots of Land or Ground, lying within, and being Parcel of, the said common Fields and Grounds, so intended to be inclosed, and which shall contain together two Fifteenth Parts, Quality as well as Quantity to be considered, of all the remaining Lands and Grounds, lying and being in the common Fields and Grounds, hereby directed and intended to be divided and inclosed (except of the said Meadow called *Abbot's Meadow*, and the said several Plots or Pieces of Meadow or Mowing Ground, called the *Upper* and *Lower Dole Meadows*, and known *Doles*, and the Allotment to be made to the Trustees for the Poor of *Wappenham* as afore said).

And whereas the *Easter Offerings*, which are due and payable to the Rector of the Parish Church of *Wappenham* afore said, by the several Inhabitants of the said Parish, amount, together, to the annual Sum of Thirty Shillings, or thereabouts. It is hereby further enacted that the said Commissioners, or any three or more of them, shall, and may, and they are hereby authorized and required to assign, allot, and appoint, unto, and for the said *Norman Mead*, and his Successors, Rectors as afore said, and to be added to one of his afore said Allotments, such Parcel or Quantity of Land, or Ground, Parcel of the said Fields and Grounds so intended to be divided and inclosed, as in the Judgment of the Commissioners shall be, at the Time of making such Allotment, of the yearly Value of Thirty Shillings.

And whereas, all the several ancient home Closes, ancient inclosed Lands, Grounds, Woods, and Coppices of Wood, within the Manor and Parish of *Wappenham* afore said, exclusive as afore said (except some few small home Closes of a very trifling and inconsiderable Value) do respectively belong to, and are the Properties of, several of the Proprietors and Owners of Lands, Grounds, or common Right in the said Fields, Grounds and Premises, so intended to be inclosed, and out of which said ancient home Closes, ancient inclosed Lands, Grounds, Woods, and Coppices of Wood respectively, the said *Norman Mead*, as Rector of the Parish and Parish Church of *Wappenham* afore said, has a Right of Tythes. It is hereby enacted and declared, that the Proprietors of the said ancient home Closes, ancient inclosed Lands, Grounds, Woods, and Coppices of Wood respectively, shall allow, in Land or Ground, out of their respective Lands and Properties, in the said common and open Fields, common or waste Grounds, and commonable Lands, so intended to be inclosed, unto the said *Norman Mead*, for such his Right of Tythes in the said ancient home Closes, and ancient inclosed Lands, Grounds, Woods, and Coppices of Wood, so due to him as Rector



Rectors as aforesaid, in Value, after the Rate and Proportion of two Shillings in the Pound, for every Pound Rent, of the said ancient home Closes, ancient inclosed Lands, Grounds, Woods, and Coppices of Wood respectively, such Pound Rent, to be calculated and proportioned, as to the said ancient inclosed Woods, and Coppices of Wood, in Respect only to the Underwood thereof, and according to the yearly Rent or Sums of Money made from such Underwood respectively, for the Space of twenty Years last past; and as to all other the said ancient home Closes, and ancient inclosed Lands and Grounds, to be calculated and proportioned, according to the Present yearly Rents thereof respectively, such Allowances of Land or Ground, to be valued, calculated, proportioned, and determined by the said Commissioners, or any three, or more of them, and by them allotted and appointed to, and for the said *Norman Mead*, and his Successors, Rectors as aforesaid, and added and laid to either of the said Allotments herein before directed to be made to him the said *Norman Mead*.

Provided nevertheless, and be it enacted, that the said Commissioners, or any three, or more of them, shall, and may, and they are hereby authorized and required to deduct and allow, out of the several Lands and Grounds, to be allotted to the said *Norman Mead* as aforesaid, such Quantity or Quantities of Land or Ground, as the said Commissioners, or any three, or more of them, shall deem and adjudge to be a Satisfaction and Compensation, for the making and raising the necessary and convenient inward, or subdividing Fences, of the Plot or Plots of Land or Ground, which shall be laid out to, and for the said *Norman Mead*, by Virtue of this Act, and which Quantity or Quantities of Land or Ground, so to be deducted and allowed, shall be assigned and allotted to such other Proprietor or Proprietors, or other Person or Persons, as the said Commissioners, or any three, or more of them, shall direct or appoint to make such inward or subdividing Fences.

And be it further enacted, that the Plots and Parcels of Land or Ground, so to be set out and allotted unto, and for the said *Norman Mead*, and his Successors, Rectors of the Parish Church of *Wappenham* aforesaid, after such Deduction as aforesaid, shall be set out, allotted, and laid down in one intire Plot or Parcel of Land or Ground, and situated as near to, and convenient for, the Parsonage House in *Wappenham* aforesaid, as may be, and shall be inclosed round in one intire Allotment or Inclosure, by Quickset Hedges, and Ditches, or other proper Mounds and Fences already made, or to be made, on the opposite or contiguous Plots or Allotments, or on other ancient or former Inclosures, by, and at the Expence of, such other of the Proprietors of the common Fields and Grounds, so intended to be inclosed (except the said Warden and College, and their Successors) and in such Manner as the said Commissioners, or any three, or more of them, shall order, direct, or appoint; and which said Hedges, Ditches, and other Mounds or Fences, shall be for ever kept up, and maintained by, and at the Costs, Charges and Expences of such of the said Proprietors (except the said *Norman Mead*, and his Successors, Rectors as aforesaid, and the said Warden, and College, and their Successors) as the said Commissioners, or any three,

or

or more of them, shall order and appoint, and shall be the sole Property of the Person or Persons so ordered to make and repair the same.

Allotments to  
the Rector, to  
be in Lieu of  
Glebe and  
Rectorial Land  
Tythes, &c.

And be it further enacted and declared, that the Plots or Parcels of Land or Ground, herein before directed and appointed to be assigned, allotted, and awarded unto, and for the said *Norman Mead*, and his Successors, Rectors as aforesaid, shall be in Lieu, and full Satisfaction and Compensation of, and for all his said Glebe Lands, Tythe-Acres, Cottage-Common, and other rectorial Lands, lying and being within the common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, in the Manor and Parish of *Wappenham* aforesaid, hereby intended to be inclosed; as also in Lieu, and full Satisfaction and Compensation of, and for all Tythes of what Nature or Kind soever, and all Payments whatsoever, for, in Lieu of, or in the Name of Tythes, growing, arising, renewing, or increasing, or to become payable out of, from, or in Respect of all, or any of the said Fields, Lands or Grounds, hereby intended to be divided and inclosed as aforesaid, or any Part or Parts thereof, and all and every the Houses, Orchards, Gardens, Homesteads, ancient home Closes, ancient inclosed Lands, Grounds, Woods, and Coppices of Wood, in the Manor and Parish of *Wappenham* aforesaid, exclusive as aforesaid, and all other Dues and Duties whatsoever, belonging, due, and payable to the Rector of *Wappenham* aforesaid (except Marriage, Burial, and Churching Fees, which shall remain due and payable to the Rector of the Parish Church of *Wappenham* aforesaid, and his Successors for the Time being, in the same Manner as before the passing of this present Act.)

Not to prejudice the Right of the Rector in the Hamlet of *Affwell* and *Faulcut*.

Provided always, That nothing in this Act contained, shall prejudice, lessen, or defeat the Right or Title of the said *Norman Mead*, or his Successors, Rectors of the Parish Church of *Wappenham* aforesaid, of, in, or to any Tythes, Moduses Offerings, or Compositions, or other Dues arising, or renewing within, or payable in Respect of, the said Hamlet of *Affwell* and *Faulcut*, in the Parish of *Wappenham* aforesaid, or any Part or Parts thereof, but that the same, and every of them, shall be, and remain due and payable to, the said *Norman Mead*, and his Successors, Rectors as aforesaid, in the same Manner as before the passing of this Act.

Provided also, and be it enacted by the Authority aforesaid, that, until the said Divisions and Allotments shall be made and finished, in Pursuance of this Act, the said *Norman Mead*, and his Successors, Rectors of the Parish and Parish Church of *Wappenham* aforesaid, shall have, and enjoy, such and the same Tythes, and in the same Manner as he, or they, or any Person or Persons claiming under him, or them, might, or ought to have done, in case this Act had not been made; and that the said *Norman Mead*, and his Successors, Rectors as aforesaid, and the Occupiers of such Land or Ground, so as aforesaid, to be allotted to him and them, in Lieu of his said Tythes, shall be, for ever hereafter, exempt and freed from the providing or keeping of any Bull, or Boar, for the Use of the Inhabitants of *Wappenham* aforesaid.

And



And be it further enacted, that after such Allotments shall be made to the said *Norman Mead*, and his Successors, Rectors as aforesaid, the said Commissioners, or any three, or more of them, shall, and they are hereby authorized and required, to allot, award, and confirm, unto the said Warden and College, and their Successors, one intire Plot of Ground, Part of their said one hundred and ninety-two Acres, lying in the said common or waste Ground, called *Wappenham-wild*, which Plot shall contain seventy Acres and an Half, in Statute Measure, exclusive of all Roads and Ways, but including the Ditches thereof, and shall be laid out so as to adjoin, and lye contiguous to the two ancient inclosed Woods of them, the said Warden and College, in the Parish of *Wappenham* aforesaid, commonly called the *Great* and *Little Thrifts*, or *Fritts*, in such and the same Manner as the same Plot hath been lately, and for such Purpose, marked, set out, and distinguished from the other Part of their said one hundred and ninety-two Acres, which Plot so to be allotted, awarded, and confirmed, to them the said Warden and College, shall be ditched, hedged, and fenced in, and such Ditches, Hedges, and Fences, at all Times repaired, by, and at the Expence of the said Warden and College, and their Successors, and shall be, and is hereby declared to be, in Lieu, and full Satisfaction of, and Compensation for, all their said one hundred and ninety-two Acres, which were subject to such Right of Common as aforesaid.

And be it further enacted, that after such Allotment shall be made to the said Warden and College, and their Successors as aforesaid, the said Commissioners, or any three, or more of them, do, and shall, and they are hereby authorized and required, out of the Residue of the said common or waste Ground, called *Wappenham-wild*, and the said Ridings, called *Priestbay Riding*, and *Blackmore Riding*, or some Part or Parts thereof (after first allowing to the Proprietors of Yard Lands, and Cottages in *Wappenham* aforesaid, for their respective Rights of Sheep Common thereon) allot and appoint, unto, and for the several and respective Owners and Proprietors of Lands and Cottages, in the Parish of *Slapton* aforesaid, who, in respect of such their Lands, and Cottages, have Right of Common for Horses and Cow Kine only, in and over the said *Wild* and *Ridings*, such Parcels and Quantities of Ground as, in the Judgment of the said Commissioners, shall be a full Satisfaction, and Compensation to them respectively, for such their several and respective Rights of Common as aforesaid, such Rights of Common to be valued, estimated, and considered by the said Commissioners, or any three, or more of them, in and according to the Proportion as the yearly Rents of such Yard Lands in *Slapton* aforesaid, immediately before the Inclosure thereof, and the Cottages there, then bore, to the yearly Rents of the Yard Lands and Cottages in *Wappenham* aforesaid, which yearly Rents shall be inquired of by the said Commissioners, or any three, or more of them, by Examination of Witnesses, upon Oath (which Oath they are hereby impowered to administer) and upon other proper and sufficient Evidence to determine the same.

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Provided

Persons hav-  
ing Land in  
Slapton and  
Wappenham, to  
be allotted to-  
gether

Provided always, and be it further enacted, that such of the Proprietors of Lands or Cottages in *Slapton* aforesaid, who are also Proprietors of Lands or Cottages in *Wappenham* aforesaid, shall and may, in Lieu of their respective Shares and Portions of Ground, which shall, upon such Inquiry, be due to them respectively, for such their respective Rights of Common, in and upon the said *Wild* and *Ridings*, in respect of their Lands or Cottages in *Slapton* aforesaid, have Land or Ground laid out, situated, and allotted, in any Part or Parts of the Fields and Grounds, hereby directed to be divided and inclosed as aforesaid, wheresoever their respective Allotments, in Lieu of their respective Lands and Estates in *Wappenham* aforesaid, shall, by Virtue of this Act, be respectively laid out, and situated, and so as to adjoin, and lie contiguous to such Allotments; and the said Commissioners, or any three, or more of them, are hereby authorized and empowered, to lay out, allot, and appoint the same accordingly.

Power for the  
Commissioners  
to allot a  
Part of the  
*Wild*, &c. for  
Common.

Provided also, and be it further enacted, that in Case any three, or more of the Proprietors and Owners of Lands or Cottages in *Slapton* aforesaid, who, in respect thereof, are intitled to such Right of Common, in and upon the said Common, or waste Ground, called *Wappenham-wild*, and *Ridings*, called *Priestbay* and *Blackmore-Ridings*, shall be desirous to have a Part and Share of the said *Wild* and *Ridings* allotted to them, in Lieu of their said Right of Common thereon, to be enjoyed as a Horse and Cow Common, with Stint, and shall, by Writing under their Hands, directed to the said Commissioners, require such Allotment to be made to them accordingly, that then, and in such Case, it shall and may be lawful, to and for the said Commissioners, or any three, or more of them, to set apart and allot to and for such Proprietors and Owners, who shall so require the same such Part, Parcel, and Quantity of the said common, or waste Ground (not being any Part thereof herein directed to be allotted, awarded, and confirmed to the said Warden and College as aforesaid) as shall in the Judgment of the Commissioners, according to the Proportion aforesaid, be deemed a full Satisfaction and Compensation, to such Proprietors and Owners respectively, for such their several and respective Rights of Common, in and upon the said common, or waste Ground, which last mentioned Allotment, shall be fenced in, by, and at the Expence of the said Proprietors and Owners, who shall require the same as aforesaid; and shall, at all Times thereafter, be used and enjoyed by them and their respective Tenants, as a Horse and Cow common, by such determinate Stint, as the major Part of the said Proprietors, or of any future Proprietors thereof, for the Time being, shall from Time to Time, by Writing under their Hands, agree upon any Thing in this Act contained to the contrary notwithstanding.

Commissioners  
to set out  
Roads, &c.

And be it further enacted by the Authority aforesaid, that the said Commissioners, or any three, or more of them, shall and may, and they are hereby authorized and required, to ascertain, set out, and appoint both public and private Roads, or Highways, through, and over the new Inclosure, and Allotments so to be made as aforesaid, except in that Part



of the Wild herein before directed to be allotted to the said Warden and College, and their Successors, with the Affizes and Breadth thereof, so as such public Roads and Highways shall be and remain forty feet broad between the Ditches (except all Bridle Roads and Footways, in case any such shall be set out by the said Commissioners) and which said public Roads or Ways, shall at all Times, for ever thereafter, be repaired, and kept in Repair, by, and at the Expence of all the Inhabitants, of and within the Manor and Parish of *Wappenham* aforesaid (exclusive as aforesaid) in the same Manner as the other Roads and Ways, within the said Manor and Parish, were, or ought to have been, repaired and kept in Repair, before the passing of this Act; and according to the Laws and Statutes made, or to be made and provided, for the Repairs of Highways in this Kingdom; in case the said public Roads and Highways shall be open, and not be inclosed, or made into a Lane, from the Ground next adjoining thereto; but in case any one or more of the present or future Proprietors, shall at any Time or Times hereafter inclose, or make into a Lane, or Lanes, any such public Road or Roads, as shall be awarded through his, her, or their Allotment or Allotments, that then, and in such Case, and so often, he, she, or they, and the Owner or Owners of the said Allotment or Allotments, for the Time being, from which the same shall be so inclosed, shall for so long Time, as the same shall continue inclosed, and made into a Lane or Lanes as aforesaid, repair, maintain, and keep in Repair, such Road or Roads, at his, her, and their own Expence or Expences, and also, that all, and every, the present and future Proprietors, who shall make, or set up, any Gate or Gates, across any of the public Roads or Ways, which shall be awarded, through his, her, or their Allotment or Allotments, shall, within six Calendar Months next, after such Gate or Gates shall be so made or set up, at his, her, or their own Costs and Charges, put in good Repair, the Passage leading through such Gate or Gates, and from Time to Time, and at all Times, then after maintain and keep the same in such Repair, and that it shall not be lawful for any Person or Persons, after the making such new Roads or Ways, to use any Roads or Ways, either Public or Private, over the said new Inclosures on Foot, or with Horses, Carts, and Carriages, other than such Roads and Ways, as shall be ascertained, set out, and appointed as aforesaid.

And be it further enacted, by the Authority aforesaid, That it shall, and may be lawful to and for the Surveyor, or Surveyors, of the Highways of *Wappenham* aforesaid, for the Time being, in the several Grounds of any Person to be inclosed as aforesaid; and where Gravel, Sand, Sindors, or Stones are likely to be found, to search for, dig, take, and carry away, or cause to be digged, taken, and carried away, any Quantity or Quantities, of such Materials, out, from, and over any of the said Fields, Lands, or Grounds, of any Person, or Persons whomsoever (not being an Orchard, Wood, Coppice, or Nursery) to be used, disposed of, and applied in or towards the repairing and mending the common Highways and Roads of *Wappenham* aforesaid; the Surveyor, or Surveyors, paying to the respective Owners, or Occupiers, of such Lands, Fields, or Grounds, such Damages for the searching, digging, taking

Power for  
Surveyors to  
dig for Gravel, &c.

Power for  
Surveyors to  
dig for Gravel, &c.

taking, and carrying away such Materials, and for carrying the same over their Grounds, as any one or more of his Majesty's Justices of the Peace, for the said County of *Northampton*, not interested in the same, shall, under his or their Hand and Seal, or Hands and Seals, adjudge and think reasonable, and also filling up the Pits, and levelling the Ground, from which such Materials shall be taken and carried away as aforesaid.

Proprietors to have the Herbage of the Roads, lying within their Allotments.

**Provided always**, that after such intended Division and Inclosure shall be made as aforesaid, all and every Person and Persons, to whom any Allotment shall be made, of any Lands adjoining to, or abutting upon, any of the public Roads or Ways, to be set out and appointed as aforesaid, shall, and may at all Times thereafter have, take, and enjoy the Grass and Herbage, growing and renewing on such Part and Parts of the said Roads and Ways, as shall lie in, or next adjoin to, their said Allotments respectively, to and for his and their sole Use and Benefit, exclusive of all other Persons whomsoever.

Commissioners may turn WaterSprings.

**And be it further enacted**, that it shall and may be lawful, to and for the said Commissioners, or any three, or more of them, to award, order, and direct any Waters, Springs, and Water Courses, to go or to be turned in, through, over, or across any of the Lands, so intended to be inclosed as aforesaid, in such manner as they shall think most beneficial and convenient for the watering the several Allotments thereof to be made as aforesaid, provided that such Streams of Water, Springs, and Water-courses be not so diverted or turned, as to materially prejudice others intitled to the same.

Fences, by whom to be made.

**And be it further enacted**, that all the Hedges, Ditches, Fences, and Mounds, to be made for the inclosing, seperating, and dividing the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands (other than those herein directed to be made as aforesaid) shall be made, and at all Times then after, repaired and maintained by such Person and Persons (except the said *Norman Mead*, and his Successors, and the said Warden and College, and their Successors) and in such Manner as the said Commissioners, or any three, or more of them, shall, by any Writing or Writings, under their Hands and Seals, in that Behalf, award, order, direct and appoint; and such Award, Order, and Determination of the said Commissioners, or any three, or more of them, in that Behalf, shall be binding and conclusive, to the several Parties so interested in, and intitled to, such Allotments and Shares as aforesaid.

Former Owners to take away Trees, &c.

**And be it further enacted**, by the Authority aforesaid, that in Case any Land or Grounds, in the said common Fields, common Pastures, common Meadows, common Ground, waste Ground, and commonable Lands, so to be inclosed as aforesaid, upon which any Trees, Underwoods, Thorns, Hedges, Bushes, Furze, or Shrubs, shall at the Time of the making such Allotments as aforesaid, in Pursuance of this Act, be standing, growing, or being, shall be allotted and assigned to any Person or Persons, other than

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than such as was or were the Proprietor or Proprietors thereof, at and immediately before such Allotments; then, and in such Case, it shall, and may be lawful to, and for such Owners and Proprietors thereof respectively at any seasonable Times before the fifth Day of July, in the Year of our Lord, One Thousand, Seven Hundred, and Sixty-two, to enter into the Lands and Grounds, upon which such Trees, Underwood, Thorns, Hedges, Bushes, Furze, or Shrubs, shall be standing, and being, and to fell, grub up, or cut down, and with Horses and Carriages, or otherwise, to carry away the same, at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit; he and they making good, by levelling all such Grounds, as they shall break or dig up for the Purpose aforesaid.

Provided nevertheless, that if any such Hedges, now standing upon the Premises, shall be assigned or appointed by the said Commissioners, or any three, or more of them, as, or for a Boundary or Fence, to, or for any of the new Inclosures or Allotments so intended, to be made as aforesaid, all such Hedges shall be left for the Benefit of such Person or Persons, to whom such new Inclosures shall belong: By Virtue of this Act, he, she, or they, making such Allowance, or Consideration to the former Owners or Proprietors of such Hedges respectively, as the said Commissioners, or any three, or more of them, shall, by any Writing, or Writings, under their Hands, in that Behalf, order, or appoint; and the Person, or Persons, to whom the Ground shall be allotted, whereon such Hedge, or Hedges shall then stand, shall be compellable, by Action or Suit, in any of his Majesty's Courts of Record at Westminster, to pay such Allowance or Consideration as aforesaid; or otherwise, in case the Person, or Persons, to whom such Boundary, Hedges, or Fences, respectively shall be allotted, shall neglect, or refuse to pay for the same, as the said Commissioners, or any three, or more of them, shall as aforesaid, order and appoint; then, and in such Case, it shall, and may be lawful, to, and for the former Owner and Owners, of such Hedge, or Hedges, or Fences, respectively, into and upon the Allotment, and Allotments respectively, to which such Hedge, or Hedges, or Fences, as shall not be as aforesaid paid for, shall belong to, enter and receive, and take the Rents, Issues, and Profits thereof, until thereby, or therewith, the said Allowance or Consideration, and all Costs, Charges and Expences attending such Entry upon, and Perception of the Rents, Issues, and Profits thereof, shall be fully paid and satisfied.

And for preventing all Differences and Disputes, concerning the said Division and Inclosure; Be it enacted by the Authority aforesaid, that as soon as conveniently may be, after the said Commissioners shall have compleated and finished the Partitions and Allotments, of the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, hereby directed to be divided and inclosed as aforesaid, pursuant to the Purport and Directions of this Act, they, or any three, or more of them, shall form, and draw up, or cause to be formed and drawn up, an Award, or Instrument thereof in Writing, which shall express and contain the Number of Acres, Roods, and Perches, contained in the said

common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be inclosed as aforesaid; and the Quantity of each, and every Part and Parcel thereof, which shall be assigned, and allotted to each of the Parties intitled to, and interested in, the same, and a Description of the Situation, Buttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions, for Mounding, and Fencing the same, and for keeping the said Mounds and Fences in Repair; and also for making and laying out proper Roads, Ways, and Passages, in and through the same Premises, and shall also express and contain such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act, which Instrument shall be fairly engrossed, and written on Parchment, and signed and sealed by the said Commissioners, or any three, or more of them, and shall, within twelve Calendar Months, next after the same, shall be so signed and sealed as aforesaid, be inrolled by the Clerk of the Peace of the said County of *Northampton*, or in one of his Majesty's Courts of Record at *Westminster*, to the End Recourse may be had to the same, by any Person or Persons, interested in the said intended Inclosure, for the Inspection and Perusal whereof, the Sum of One Shilling shall be paid, and no more, and a Copy thereof, or of any Part thereof, signed by the Clerk of the Peace for the said County of *Northampton*, or by his Deputy, or other proper Office, purporting the same, to be a true Copy (for which no more shall be paid than Two-pence per Sheet, each Sheet to contain Seventy-two Words, and so in Proportion for any Number of Sheets or Words, shall from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatsoever, as legal Evidence, and the several Allotments, Partitions, and Divisions, so to be made by the said Commissioners, or any three, or more, of them, in and by such Award or Instrument, so executed and inrolled as aforesaid, shall be, and are hereby declared to be, binding and conclusive, unto and upon, all and every of the Parties interested in the several and respective Grounds, Lands, and Premises, so intended to be inclosed as aforesaid.

Award to be  
inrolled.

In what Time  
Allotments  
are to be in-  
closed.

And be it further enacted, that when the open and common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, directed and appointed by this Act, to be inclosed, shall be set out, ascertained, and allotted by the said Commissioners, or any three, or more of them, by such Award, Instrument, or Writing, (as herein before mentioned, the several Parcels of Lands and Grounds, so to be allotted and set out respectively, shall, within twelve Calendar Months next after the Signing and Sealing of the said Award, Instrument, or Writing, or within any other less Time, to be appointed by the said Commissioners, or any three, or more of them, be inclosed, hedged, ditched, and fenced at the proper Costs and Charges of the respective Persons, to whom the same shall be respectively assigned and allotted (other than the said *Norman Mead*, and his Successors, Rectors as aforesaid, and the Trustees for the Poor of *Wappenham* aforesaid) in such Manner as the said Commissioners, or any three, or more of them, shall in such their Award, order and direct; and that it shall, and may be lawful, to and for the respective Persons, to

whom



whom such Shares and Allotments shall be assigned and allotted, by Virtue of this Act, from Time to Time, and at all Times, for ever, after the making such Allotments, to set down and place Posts and Rails, or other Fences, on the outside of the Ditches, bounding their respective Allotments, not exceeding two Feet, from such Ditches, for the better Preservation of their Hedges; and also, from Time to Time, to take and carry away such Posts and Rails, and other Fences.

Proprietors to have Power to put up Posts and Rails, &c. for the preserving their Hedges.

And be it further enacted, by the Authority aforesaid, That if any Person or Persons (except the said *Norman Mead*, and his Successors, Rectors as aforesaid, and the said Trustees for the Poor of *Wappenham* aforesaid) shall not, within twelve Calendar Months next, after the Signing and Sealing the said Award, Instrument, or Writing as aforesaid, or within less Time to be appointed by the said Commissioners, or any three, or more of them, inclose, hedge, ditch, and fence, the several Parcels of Lands and Grounds, to be allotted, assigned, and set out to him, her, or them respectively as aforesaid, in such Manner and Sort as the said Commissioners, or any three, or more of them, shall, in such their Award, order and appoint as aforesaid, it shall and may be lawful, to and for the Person or Persons, interested in the Lands and Grounds, next adjoining to the Lands and Grounds of the Person or Persons, who shall not have so inclosed, hedged, ditched, and fenced as aforesaid, to exhibit a Complaint in Writing, against such Person or Persons, before one, or more of his Majesty's Justices of the Peace for the County of *Northampton*, not being interested in the Lands and Grounds, so intended to be inclosed, who shall summon the Parties concerned, examine Witnesses on Oath, as to the Nature of the Complaint, and shall and may order, direct, and appoint the Person or Persons, exhibiting the Complaint, to make, repair, and maintain, the Hedges, Ditches, and Fences, of the Person or Persons, who shall not have so inclosed, hedged, ditched, and fenced as aforesaid; and also shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to the Constable or other Peace Officer of the said Parish of *Wappenham*, or to the Person or Persons exhibiting such Complaint as aforesaid, cause the Charges and Expences (demand of the same being first made before one or more credible Witness or Witnesses, or Notice left on some notorious Part of the Premises, so to be allotted as aforesaid) of making, repairing, and maintaining the Hedges, Ditches, or Fences, of the Person or Persons, who shall not have so inclosed, hedged, ditched, and fenced as aforesaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, neglecting or refusing to pay the same, upon Demand or Notice left as aforesaid, rendering the Overplus, if any be, after Payment of such Charges and Expences, and of the Costs and Charges of taking and making such Distress, and selling the same to the Owner or Owners of such Goods and Chattels, or otherwise the said Justice or Justices of the Peace, shall and may by Writing, under his, or their Hand and Seal, or Hands and Seals, authorize and empower the Person or Persons, exhibiting such Complaint as aforesaid, to enter into, and upon the Premises, so to be allotted to such

Persons omitting to fence.

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such

such Person or Persons, neglecting or refusing to pay as aforesaid, and to receive, and take, the Rents, Issues, and Profits of the said Premises respectively, until therewith the Charges and Expences of making, repairing, and maintaining the said Hedges, Ditches, and Fences, which ought to have been made, repaired, and maintained, by the Person or Persons, who shall so neglect or refuse to pay as aforesaid, together with all Costs and Charges occasioned by, or attending such Entry upon, and Perception of, the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

Gaps to be left.

And be it further enacted, by the Authority aforesaid, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of six Calendar Months, next after the making such Allotments as aforesaid, or such longer Time as shall be appointed by the said Commissioners, or any three, or more of them, for the Passage of Cattle, Carts, and Carriages, in and through the same.

Power to erect Gates across the Roads.

Provided always, That all and every the Proprietors of the new Inclosures so to be made, in Pursuance of this Act, shall have full Power and Liberty, from the Time of making the said Inclosures, to erect or set up any Gate or Gates, across any Part of the Roads, to be made through or against his, her, or their own Lands, for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Woods, Plants, Quicksets or Fences, which shall be made or planted, for inclosing or fencing any Part or Parcel of the said Lands or Grounds, so to be inclosed, in Pursuance of this Act.

Power to erect Fences on adjoining Free-boards.

And be it further enacted, by the Authority aforesaid, That where any Parcel of Land, so to be allotted as aforesaid, shall abutt or adjoin upon any Free-board, belonging to the Proprietors of any of the common Fields or inclosed Lands, next adjoining to the Fields and Lands hereby intended to be inclosed, the Person or Persons, to whom such Parcel of Lands shall be allotted, shall and may, and they are hereby impowered to plant, set up, and erect Gates, or any other kind of Fence or Fences, in, over, and upon, such Free-board, for the raising and preserving the Quicksets, Banks, Wood-plants, and other the Fences to be raised upon such Parcel of Land, until such Time as the Owner of such Free-board, shall sufficiently, and at his own Expence, have ditched, fenced, and mounded out the same Free-board, from the said Parcel of Land adjoining thereunto.

Proprietors not to be obliged to fence against common Fields or Inclosures.

Provided always, and be it further enacted and declared, That nothing in this Act contained, shall extend, or be construed to extend, to compel or oblige any of the said Proprietors, whose Allotments or Shares upon the said intended Inclosure, shall lie and be situated next and adjoining to any common Field or inclosed Lands, Woods or Grounds, to make or erect any Hedges, Ditches, or Fences, next and adjoining to such common Field or inclosed Lands, Woods or Grounds, for the inclosing such their Allotments or Shares; but that the ancient Brook or Brooks, or other Fences, which divide



divide such common Field from such Allotments, shall forever be and remain a boundary Fence for the Purpose of such Division, and shall, from Time to Time, be cleansed, scowered, and repaired, at the equal Costs and Charges of the Proprietors of such common Field, and the Proprietors of such Allotments or Shares respectively; and that the Hedges, Ditches, or other Fences belonging to such inclosed Lands, Woods or Grounds, shall for ever be and remain as boundary Fences to and for such inclosed Lands, Woods and Grounds respectively; and be always maintained and repaired by the respective Proprietors thereof, in the same Manner as before the passing of this Act, any Thing in this Act contained to the contrary notwithstanding.

**Provided always, and be it further enacted,** by the Authority aforesaid, That for the better Preservation of the Quick, Wood, and Fences, to be planted, set, and made, in and about the several Inclosures and Allotments, to be made as aforesaid, no Person or Persons, for and during the Space of four Years next, after the making the said Award, shall put or keep, in or upon such Inclosures or Allotments, or any of them, any Lambs, whereby to destroy or hurt such Quickwood or Fences.

**And be it further enacted,** by the Authority aforesaid, That the several Lands and Grounds, so to be divided, assigned, limited, set out, allotted, and appointed, unto and for the several Persons, who by Virtue of this Act, shall be entitled to the same, shall be in full Bar of, and in Satisfaction and Compensation for his, her, and their several Pieces and Parcels of Lands and Grounds, which, before the passing of this Act, were and are lying in the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be inclosed in *Wappenham* aforesaid; and also in full Bar of, and in Satisfaction and Compensation for, all Right of Common, and other Rights and Properties whatsoever, in, over, and upon the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, in *Wappenham* aforesaid, so intended to be inclosed; and that from, and immediately after, the making the said Divisions and Allotments, and Execution of the said Award or Instrument, of such Tenor and Purport as aforesaid, all Right of Common belonging to, or claimed by, all and every the Owners, Proprietors, or Occupiers of Messuages, Cottages, or Tenements, Lands, Grounds, or other Hereditaments, within the Parishes of *Slapton* and *Wappenham* aforesaid, or either of them, in, over, and upon the said open and common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be inclosed as aforesaid, shall cease, determine, and be for ever extinguished.

**And be it further enacted,** by the Authority aforesaid, That for the more convenient Situation and Disposition of the several Farms and Lands, of the several Land Owners, within the Fields and Parish of *Wappenham* aforesaid, upon the said intended Division, it shall and may be lawful, to

and for all, or any of the Proprietors and Owners of the Lands and Grounds, so to be divided and inclosed as aforesaid (except the said *Norman Mead*, and his Successors, Rectors as aforesaid, and the said Warden and College, and their Successors) to exchange all, or any of his, her, or their Messuages, Tenements, old Inclosures, or other Lands and Grounds, within the said Fields and Parish of *Wappenham* aforesaid, for any other Messuages, Tenements, old Inclosures, or other Lands and Grounds within the said Fields and Parish, so as all and every such Exchange and Exchanges, be made by, and with the Consent and Approbation of the said Commissioners, or any three or more of them, to be ascertained, specified, and declared in the Award, or Instrument, so directed to be made and executed as aforesaid, or some other Act or Instrument to be enrolled as before-mentioned; and that all and every Exchange and Exchanges, so to be made as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

New Allotments to remain to the same Uses.

Provided always, That nothing in this Act contained, shall extend or be construed, deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person, having or claiming any Jointure, Dower, Portion, Debt or Incumbrance, out of, upon, or affecting any of the Lands and Grounds so intended to be divided and inclosed, or which shall be exchanged in Pursuance of this Act, or any Part thereof respectively (other than, and except the Allotment herein before directed to be made to the Trustees for the Poor of *Wappenham* aforesaid) but that the several Lands and Grounds, so to be assigned and allotted upon such Inclosure and Division, to the several Parties concerned, or their Trustees respectively (except as aforesaid) and which shall be taken in Exchange, in Pursuance of this Act, shall immediately after such Allotments or Exchanges, be, remain, and enure, and the several Persons, to whom the same shall be assigned and allotted, and given in Exchange as aforesaid, shall from thenceforth stand and be seized thereof, to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services and Incumbrances, as the several Lands, Grounds, Tenements and Hereditaments, in Lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are, or should and would have been, subject and liable to be charged with, or affected by, in case the same had remained uninclosed and unexchanged, or this Act had not been made.

Leases at Rack Rent to be void.

Provided always, and be it enacted, by the Authority aforesaid, That all and every Lease and Leases, at Rack Rent, now subsisting, of all or any Part or Parts of the said Premises, by this Act directed to be divided and inclosed, and all other Agreements for any Term or Terms therein, shall cease, determine, and be void immediately, on such Allotments and Divisions being made, the respective Lessees and Tenants thereof, receiving from the respective Owners and Proprietors of the same Premises, who have made any such Leases and Agreements, what the said Commissioners, or any three or more of them, shall ascertain, as reasonable to be paid to such Tenant or Tenants, as an Equivalent for the same.

Provided



Provided allways, and be it further enacted, That in the mean Time, Course of Husbandry directed:  
 and until such Divisions, Partitions, or Allotments, shall be made as aforesaid,   
 all the Tillage and other Lands, lying in the said common Fields and Grounds,   
 so to be inclosed as aforesaid, shall be stocked with such Cattle, and cropped   
 or sowed by the respective Owner and Owners thereof, with such Sort of   
 Corn or Grain, and shall be kept, ordered, and continued in such Course   
 of Husbandry, whether the same ought to lie fallow or not, as the said   
 Commissioners, or any three or more of them, shall, by any Writing, or   
 Writings, under their Hands, in that Behalf, award, order, direct, or   
 appoint, any Usage or Custom of Sowing, Cropping, or otherwise ma-   
 naging the said Tillage, or other Lands, to the contrary notwithstanding;   
 and that no Meadow, Pasture, or fresh Ground, in the said common   
 Fields, common Meadows, common Pastures, common Grounds, waste   
 Grounds, and commonable Lands, hereby intended to be inclosed, shall,   
 before that Time, be plowed, broke up, or converted into Tillage; and   
 that it shall and may be lawful, to and for the said Commissioners, or any   
 three or more of them, at any Time hereafter, when they, in their   
 Judgment, shall think convenient or necessary, by a Notice for that Pur-   
 pose, in Writing, under their Hands, to be affixed on any one of the   
 Doors of the Parish Church of *Wappenham* aforesaid, to extinguish all   
 Right of Common, in and over the said common Fields, common Pas-   
 tures, common Meadows, common Grounds, waste Grounds, and com-   
 monable Lands, hereby intended to be inclosed; and from and after such   
 Notice given, all Right of Common in, and over, the said common Fields,   
 common Pastures, common Meadows, common Grounds, waste Grounds,   
 and commonable Lands, shall cease, and the same is hereby enacted and declared   
 to be utterly extinguished; and in case any Proprietor or Proprietors, shall   
 Stock, with Cattle, the Lands and Grounds hereby intended to be inclosed,   
 in any other Manner than what the said Commissioners, or any three or   
 more of them, shall direct and order; or if after such Right of Common is   
 extinguished, by such Notice as aforesaid, any Proprietor or Proprietors shall   
 permit, or suffer, his, her, or their Cattle, to go depasture, or feed on any   
 of the said commonable Lands and Grounds, hereby intended to be inclosed,   
 then it shall, and may be lawful to, and for any other of the Proprietor or   
 Proprietors, his, or their Servant, or Servants, to Impound such Cattle, then   
 being upon such Lands and Grounds, contrary to such Order, or going upon,   
 or depasturing on, such Lands and Grounds, after such Right of Com-   
 mon shall be extinguished as aforesaid, and in pound, to detain and keep,   
 until such Time as the Person or Persons, offending in either of the Cases   
 aforesaid, shall have paid to the Person or Persons, impounding the same, the   
 Sum of five Shillings, for each of the Cattle so impounded; and in Case the   
 same be not paid before the next Meeting of the said Commissioners, after   
 such impounding as aforesaid, then the said Commissioners, or any three or   
 more of them, are hereby authorized and required, upon Proof of such Of-   
 fence or Offences having been committed, and Nonpayment of the Penalty   
 hereby imposed, and so often as the same shall be committed, by Warrant,   
 under their Hands and Seals, to cause such Cattle to be sold for the Raising   
 and

and Payment of the Penalty aforesaid, together with the Costs and Charges attending such Sale, rendering the Overplus to the Owner, if any be.

Power to borrow Money.

And whereas, the said Trustees for the Poor of *Culworth* aforesaid, the said Trustees for *Bradin* Charity Estate, and several other of the Owners and Proprietors of the said common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended and directed to be divided and inclosed as aforesaid, or his, her, or their Trustee or Trustees, Committee or Committees, Guardian or Guardians, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to, and attending, such Inclosures and Divisions, and the necessary Subdivision of the said Allotments, and the obtaining and passing of this Act, and cannot, by Reason of some Settlement or Settlements, already made of their respective Lands and Estates, intended to be inclosed, or some Part or Parts thereof, or other Impediments or Incumbrances respectively, affecting the same, make any effectual Security thereon for the Money to be to them respectively advanced, and lent for the Purposes aforesaid: Be it therefore enacted, by the Authority aforesaid, that it shall, and may be lawful, to, and for the Trustees, for the Poor of *Culworth*, for the Time being, or the major Part of them, and the Trustees for *Bradin* Charity Estate, for the Time being, or the major Part of them, and to, and for all other the said several Owners and Proprietors, for the Time being, of the Lands and Grounds intended to be inclosed as aforesaid, and to, and for the Husbands, Guardians, Trustees, or Committees, of any of the said Owners or Proprietors of the said Lands or Grounds, being under Coverture, Minors, Ideots, Lunatics, or beyond the Seas, or being under any Disability whatsoever, and to, and for every, or any of them, for the Time being, and to, and for all Persons acting as Guardians, Trustees, or Committees, of any of the said Proprietors, being under Coverture, Minors, Ideots, Lunatics, or beyond the Seas, or being under any Disability whatsoever, and to, and for every of them, for the Time being, and to, and for any of the said Proprietors, being Tenants in Tail, or for Life only, and to, and for every of them, for the Time being respectively (except the said *Norman Mead*, and his Successors, Rectors as aforesaid, the said Warden and College, and their Successors, and the said Trustees, for the Poor of *Wappenham* aforesaid, and their Successors) by, and with the Consent and Approbation of the said Commissioners, or any three or more of them, testified in Writing, under their Hands and Seals, from Time to Time, to charge and mortgage the Lands and Grounds, which shall be assigned and allotted to them, the said Owners, Proprietors, and Trustees respectively, by Virtue, and in Pursuance of this Act, with any Sum or Sums of Money, not exceeding three Pounds an Acre, in order to be applied and disposed of for the Purposes before mentioned; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, or demise, or otherwise to subject the Lands and Grounds, so to be assigned and allotted as aforesaid, or any Part or Parcel thereof, unto such Person or Persons, as shall



shall advance and lend the same respectively, his, her, and their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant, Charge, Mortgage, Lease, or Demise, be made with a proviso, or Condition to cease, and be void, or with an Express Trust, to be surrendered, when such Sum, and Sums of Money, thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant or Demise, which shall be made by any Person or Persons, interested in, or intitled to, any such mortgaged Premises, for the Term of their natural Lives only, or by his or their Trustee, or Trustees, Guardian, or Guardians, there be contained a Covenant, to pay, and keep down the Interest of the said Money, to be thereby respectively secured, during his, her, or their respective Lives, or otherwise, it shall, and may be lawful at the Request of such Owners or Proprietors as aforesaid, or any of them, to and for the said Commissioners, or any three or more of them, by Writing, under their Hands and Seals, to authorize and empower any such Owner or Proprietor, so making such Request, to charge the Lands and Grounds, which in Pursuance of this Act, shall be allotted to such Proprietor, by the last Will and Testament of such Proprietor, duly executed, according to Law, with such Sum and Sums of Money, not exceeding three Pounds an Acre, as the said Commissioners, or any three or more of them, shall, by such their Writing, order and direct to be paid to such Person or Persons, as such Proprietor, shall, by such his last Will and Testament, direct and appoint.

And be it further enacted, by the Authority aforesaid, that every such Mortgage to Grant, Mortgage, Lease, or Demise, and every such Charge, Direction, or Appointment so made, by the last Will and Testament, of any such Proprietor, of, in, or upon, the said Grounds, Lands, and Premises; and every of any Part, or Parts thereof, so to be made in Pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the Want of Title, in the said Owner or Owners, Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such, or in the said Tenants, in Tail, or for Life, or any Settlement, Will, Trust, Use, Remainder, Limitations, or other Impediment, or Incumbrance, of or concerning the same Grounds, Lands, and Premises, or any Part or Parcel thereof, then in Being, or capable of taking Effect to the contrary.

And be it further enacted, by the Authority aforesaid, that when, and so often as any one, or more of the Commissioners, appointed by this Act, or to be elected in Manner herein after mentioned, shall die, or refuse to act, the Persons, who for the Time being, shall be interrested respectively, in the common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, so intended to be inclosed as aforesaid, or the greater Part of them in Number and Value, who shall attend, pursuant to Notice hereinafter directed to be given, do, and shall from Time to Time, within one Month next after the Death, or Refusal

of such Commissioner, or Commissioners, to Act by Writing, under their Hands and Seals, appoint one or more Commissioner or Commissioners, not interested in the said intended Inclosure, in the Stead, and Place of each and every Commissioner or Commissioners so dying, or refusing to act as aforesaid, and every such Commissioner or Commissioners, so to be appointed, shall have the like Power and Authority, by Virtue of this Act, as the Commissioner or Commissioners, in whose Place or Places he or they shall succeed, was, or were vested with, provided that Notice be given in the Parish Church of *Wappenham* aforesaid, of the Time and Place of Meeting, to choose such Commissioner or Commissioners at least Seven Days before such Meeting.

And whereas, it is requisite that some convenient Time should be fixed for every Person, intitled to any Part of the said intended new Inclosure, to accept of their respective Allotments and Shares; Be it therefore further enacted, by the Authority aforesaid, that all and every such Person and Persons, shall, and they are hereby required to accept his, her, and their respective Allotments and Shares, within the Space of six Months next after the Execution of the aforesaid Award, or Instrument, and Notice to him, her, or them, respectively given by Writing, under the Hands of the said Commissioners, or any three or more of them, or left at his, her, or their, last Place of Abode for that Purpose; and in Case any Person or Persons shall neglect, or refuse to accept his, her, or their Allotment or Allotments, within the Time before mentioned, such Person or Persons so neglecting, or refusing, shall be totally excluded from having, or receiving any Estate, Interest, or Right of Common, or other Property whatsoever, in, or to any of the Lands or Grounds, to be assigned or allotted to any other Person or Persons, by Virtue of this Act. And from and after such Neglect, or Refusal, it shall, and may be lawful, to and for the said Commissioners, or any three or more of them, by any Writing, under their Hands and Seals, to nominate and appoint, from Time to Time, a Bailiff, or Receiver of the Rents and Profits of such Shares or Allotments, with such Salary for his Pains and Labour therein, as they, in their Discretion, shall think fit; which said Bailiff, or Receiver, shall have, and is hereby invested with, the like Power, as the several Guardians and Committees mentioned in this Act, of raising Monies by Mortgage, of the said Premises, with the Consent of the said Commissioners, or any three or more of them, in order to enable him to defray all Costs and Expences, concerning the said Inclosure, and to fence, mound, and manage the same, and shall receive the Rents, Issues, and Profits thereof, and pay the same after deducting all such Demands, as he shall have in Pursuance of the Trust in him reposed, to and for the Use and Benefit of the Person or Persons, refusing or neglecting to accept such Shares or Allotments, and his, and their Representatives, until such Time as he and they shall be willing, and desirous to accept of the same.

And be it further enacted, and declared, that the Guardians, Husbands, Trustees, Committees, or Attorneys, of any Person or Persons, being Minors,



persons, under Coverture, or beyond the Seas or otherwise, incapable by Law to accept such Allotments, so to be made as aforesaid, shall be, and are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid, and such Acceptance shall be and is hereby declared to be, as valid and effectual as if the Person or Persons, to or for whom the same shall be made respectively, was capable of acting for themselves, any Thing herein contained to the contrary notwithstanding.

**Provided** always that the Non-Claim, or Non-Acceptance, of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim, or Acceptance of any Infant, Feme, Covert, or any other Person or Persons, under such Disability or Incapacity as aforesaid, who shall claim or accept within twelve Months next after his, her, or their Right, Title, or Interest, shall have descended, accrued to, or vested in him, her, or them.

**And whereas** Disputes may arise, touching the Compensation, that the said Commissioners shall, or ought to have, for their going to, and from their Meetings, and Attendance, upon the Division of the Lands intended to be inclosed, and for the executing the Powers vested in them by this Act, and for all such other Journeys and Attendances, as they might be obliged to make, either before or after their signing and executing of their said Award, in, about, or concerning the Matters contained in this Act, or any Thing to be done by them in pursuance thereof, or of the Trust hereby in them reposed. **Be it therefore enacted**, that the Proprietors of the Lands intended to be inclosed other than, and except the said *Norman Mead*, and his Successors, Rectors as aforesaid, the said Warden and College, and their Successors, and the Trustees for the Poor of *Wappenham* aforesaid, shall raise, and pay unto the said Commissioners, respectively, one Guinea a-piece, and no more, for every Day they shall respectively travel, or attend, for the Purposes aforesaid, over and above all such Expences as they shall be put unto, respectively, for their Maintenance, Support, and other necessary Expences, at the Times of such their Journeys and Attendance; which Monies, shall be raised, in Proportion to the said Proprietors respective Shares and Interests in the said Lands intended to be inclosed, and paid to such Person, or Persons, as the said Commissioners, or any three or more of them, shall appoint to receive the same; and, in Case any Dispute shall arise, concerning the Proportion of such Payment, the same shall be settled, and determined, by a Justice of the Peace, for the said County of *Northampton*, not being interested therein, in a Summary way upon Oath, which he is hereby authorized to administer, and in Case any of the said Proprietors shall refuse, or neglect to pay, his, her, or their Share, or Proportion, when thereto required by the said Commissioners, or any three, or more of them, by a Notice in Writing, to be affixed, on the Church Door of *Wappenham* aforesaid, for that Purpose, signifying the Time and Place of Payment, which

which Notice is hereby directed to be affixed, at least, fourteen Days before the Time of such Payment. Then the said Justice of the Peace, upon Oath made before him, of such Notice having been given, and of all, or any of the Proprietor, or Proprietors, having made Default in the Payment of their respective Shares thereof, shall, and may, by Warrant, under his Hand and Seal, directed to any Person whatsoever, cause the same to be levied, by Distress, and Sale of the Goods and Chattels of the Person, or Persons neglecting, or refusing to pay the same, rendering the Overplus (if any) to the Owner, or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking such Distress, or Distresses, and selling the same. And in Case no such Distress, or Distresses can be had, or taken as aforesaid, it shall, and may be lawful for the said Justice, to authorize, and empower, by Warrant, under his Hand and Seal, for that Purpose, any Person, or Persons, to enter into, and upon the Premises, so to be allotted to such Person, or Persons, refusing to pay as aforesaid, and to take, and receive the Rents and Profits thereof respectively, until thereby, or therewith, the Share, or Shares, Proportion, or Proportions, of the said Costs and Charges, so to be directed, awarded, and appointed, by the said Commissioners, to be paid by such Person, or Persons, as aforesaid, and also all Costs, Charges, and Expences, occasioned by, or attending such Entry upon, and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

Expences of  
this Act, how  
to be defrayed

And it is hereby further enacted, That all other the Charges and Expences incident to, and attending the obtaining, and passing this Act, and of the surveying, measuring, dividing, and allotting, the Lands and Grounds intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award, or Instrument, and other necessary Expences of the several Persons to be employed by the said Commissioners, or any three, or more of them, either before, or after their executing their said Award, in and about the Premises, shall be paid, borne, and defrayed, by the Owners and Proprietors, and Persons interested of, and in the said Lands and Grounds so intended to be inclosed (other than, and except the said *Norman Mead* and his Successors, the said Warden and College, and their Successors, and the Trustees for the Poor of *Wappenham* aforesaid) in Proportion to their respective Shares, Interests, and Properties therein, at such Time and Times, and in such Proportion, and Proportions, as the said Commissioners, or any three, or more of them, shall, either before or after their executing their said Award, by a Notice or Notices in Writing under the Hands of the said Commissioners, or any three, or more of them to be affixed on the Church Door of *Wappenham* aforesaid, order, and direct; which Notice is hereby directed, to be affixed, at least, fourteen Days before the Time of such Payment, and that, in Case any of the Persons aforesaid, shall refuse, or neglect to pay, his, her, or their share, or Shares, Proportion, or Proportions, of such Charges or Expences, within the Time, or Times, to be limited by the said Commissioners, or any three, or more of them, to such Person, or Persons as they



they shall appoint to receive the same, then the said Commissioners, or any three or more of them, shall, and may, by Warrant, under their Hands and Seals, directed to any Person whatsoever, cause the same to be levied by Distress, and Sale of the Goods and Chattels of the Person, or Persons so neglecting, or refusing to pay the same, rendering the Overplus (if any) to the Owner, or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking, and making such Distress, or Distresses, and selling the same, and in Case no such Distress or Distresses can be had, or taken, as aforesaid, it shall, and may be lawful, to, and for the said Commissioners, and their Successors, or any three, or more of them, or any other Person, to be authorized by them, to enter into, and upon the Premises, so to be allotted to such Person, or Persons, refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby, or therewith, the Share, or Shares, Proportion, or Proportions, of the said Costs and Charges, so to be deducted, awarded, and appointed by the said Commissioners, to be paid by such Person, or Persons as aforesaid, and also all Costs, Charges, and Expences, occasioned by, or attending such Entry upon, or Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

And be it further enacted, by the Authority aforesaid, that the said Commissioners, or any three or more of them, do, and shall, and they are hereby required to cause public Notice to be given in the Parish Church of *Wappenham* aforesaid, upon some Sunday, immediately after Divine Service, of the Time and Place of the first Meeting of the said Commissioners, for the executing of the Powers hereby vested in them, at least six Days before such Meeting, and shall also cause the like Notice of six Days to be given of every subsequent Meeting, for putting in Execution the Powers vested in them by this Act, in the Parish Church aforesaid, Meetings by Adjournment only excepted.

Provided always, and be it further enacted by the Authority aforesaid, that all and every the Quit-Rents, issuing out of, or due, and payable, or to become due and payable to the Lord or Lords of the Manor or Manors of *Wappenham* aforesaid, for the Time being, in respect of any Lands of the Owners and Proprietors, in the common Fields, common Pastures, common Meadows, common Grounds, waste Grounds, and commonable Lands, of *Wappenham* aforesaid, so intended to be inclosed, or in any of them, shall after the making the Award, or Instrument, herein before mentioned, in Manner as aforesaid, be payable out of, and charged upon, such Parts and Shares of the same, as to the Owners and Proprietors shall be therein respectively allotted, and set forth in Lieu of their respective former Lands, and from that Time the said Persons shall not (in respect of their former Lands) be subject or liable to, or chargeable with, the future Payment of such Quit Rents.

Notice of the  
Commissioners  
meeting

New Allot-  
ments to be  
subject to  
Quit-Rents.

H

Provided

Saving Clause  
to the Lord of  
the Manor.

Provided always, and be it further enacted and declared by the Authority  
aforesaid, that nothing in this Act contained, shall prejudice, lessen, or de-  
feat the Right, Title, or Interest, of any Lord or Lords of the Manor, or  
Manors, or reputed Manor or Manors, Lordship or Lordships, within  
the Jurisdiction or Limits whereof, the said open and common Fields,  
common Pastures, common Meadows, common Grounds, waste Grounds,  
and commonable Lands, hereby directed to be inclosed, or any Part there-  
of, are situate, lying, and being, or comprised, of, in, and to, the Seignio-  
ries and Royalties incident, or belonging to such Manor, or Manors, or re-  
puted Manor, or Manors respectively, but that all, and every, such Lord, or  
Lords, for the Time being, shall and may, from Time to Time, and at  
all Times hereafter, hold and enjoy, all Rents, Services, Courts, Perquisites,  
and Profits of Courts, and all other Rights, Royalties, and Privileges, to  
the said Manor, or Manors, Lordship, or Lordships respectively, incident,  
appendant, belonging, or appertaining (other than, and except, such Com-  
mon of Pasture, or Right of Common as can or may be claimed by, or  
belonging to, him, or them respectively, as Lord, or Lords, of any such  
Manor, or Manors, or reputed Manor, or Manors respectively, in, over,  
and upon, the Premises, so directed and appointed to be inclosed as afore-  
said) in as full, ample, and beneficial Manner, to all Intents, and Purpo-  
ses, as they ought, or might have held, or enjoyed the same, before the  
passing this Act, or in case the same had never been made.

General Sav-  
ing Clause.

Saving always, to the KING's most Excellent MAJESTY, his Heirs  
and Successors, and to all, and every other Person or Persons, Bodies, po-  
litic and corporate, his, her, and their Heirs, Successors, Executors, and  
Administrators, all such Estate, Right, Title, Interest, Claim, and De-  
mand (other than those meant, and intended to be barred and destroyed  
by this Act) which they, every, or any of them, enjoyed, or had, in, or  
upon, the said common Fields, common Pastures, common Meadows,  
common Grounds, waste Grounds, commonable Lands and Premises, so  
directed to be inclosed as aforesaid, before the passing this Act, or could, or  
might have enjoyed, or had in Case the same had not been made.



[illegible][illegible]

AN  
A C T  
F O R

Dividing and Inclosing the common  
Fields, common Pastures, com-  
mon Meadows, common Grounds,  
waste Grounds, and commonable  
Lands, in the Manor and Pa-  
rish of Wappenham, in the Coun-  
ty of Northampton, exclusive of  
the Hamlet of Atwell and Faul-  
cut, in the said Parish.

[1761.]